

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE	:	No. 2:12-md-02323-AB
PLAYERS' CONCUSSION INJURY	:	
LITIGATION	:	MDL No. 2323
	:	
THIS DOCUMENT RELATES TO:	:	
	:	
RANDY HYMES	:	NOTICE OF AN
	:	ATTORNEY'S LIEN

NOTICE OF AN ATTORNEY'S LIEN

Now, comes, the Petitioner, Kelly E. Ferraro of Berkowitz and Hanna LLC, attorney for the Plaintiff, Randy Hymes, to notify this Court and all parties that Berkowitz and Hanna LLC and its attorneys have a lien in this case for attorney's fees and costs for work performed, as set forth below, and in accordance with Mr. Hymes' executed employment agreement.

- (1) The Petitioner is an attorney at law admitted to practice before the courts of Connecticut, and files this Notice to establish a lien for attorney's fees as set forth hereinafter.
- (2) On or about March 9, 2016, the Petitioner was retained and employed by the Plaintiff, Randy Hymes, pursuant to a contingent fee agreement, to pursue a claim for injuries and damages against the National Football League associated with football-related concussions, head and brain injuries.
- (3) Mr. Hymes' contingency fee agreement contains the following terms: If no

recovery is made, the client will not owe any legal fee or expenses to Petitioner. If Plaintiff's counsel obtains settlement or judgment for Client, Client will pay counsel, before the deduction of any liens, unpaid medical bills, and costs, 25% of the award, plus expenses and costs up to \$2,000,000.00; 20% of any reward in excess of \$2,000,000.00.

- (4) From the date the Petitioner was authorized to proceed on behalf of the Plaintiff, the Petitioner has actively and diligently applied herself to the investigation, preparation, and pursuit of Plaintiff's claim, and has taken all steps necessary to prosecute those claims, including but not limited to, correspondence and communications with the client, preparation and review of client's factual and legal circumstances, retrieve prior medical records, and continue to pursue the best interests of the Plaintiff in this matter.
- (5) Specifically, on May 20, 2016 through May 22, 2016, Petitioner scheduled and paid for a flight and a hotel room for two nights for Mr. Hymes to get examined to determine if he has a qualifying diagnosis per the NFL Concussion Settlement Lawsuit. On May 21, 2016, Petitioner scheduled and paid for Mr. Hymes to be examined by a Neuropsychologist and to undergo an MRI of his brain. On May 22, 2016, Petitioner scheduled and paid for Mr. Hymes to be examined by a Neurologist. The Petitioner paid for all of the expenses, including but not limited to, air travel, hotel and doctors' appointments for Mr. Hymes.

- (6) On August 11, 2016, the Petitioner received Mr. Hymes' medical reports from the Neuropsychologist and Neurologist. On August 11, 2016, Petitioner had a teleconference with Mr. Hymes and explained to him that he received a qualifying diagnosis pursuant to the NFL Concussion Settlement.
- (7) On August 15, 2016, the plaintiff, Mr. Hymes, discharged the Petitioner as his attorney in this matter, and it is expected that a new attorney will be pursuing representation of the Plaintiff in this action.
- (8) Petitioner was not terminated by the Plaintiff for cause, and the termination was not due to any malfeasance or other improper action on the part of the Petitioner.
- (9) The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiff in this action.

WHEREFORE, the Petitioner prays:

- (1) That her attorney's lien be determined;
- (2) That the amount of the lien be established;
- (3) That the Court order that the Petitioner be entitled to enforce her attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiffs any sums of money until said lien has been satisfied; and
- (5) For such other and further relief as the Court deems just and proper.

Dated: April 4, 2017

Respectfully Submitted By:

THE PETITIONER,



Kelly E. Ferraro, Esq.
Russell J. Berkowitz, Esq.
Berkowitz and Hanna LLC
733 Summer Street, 2nd Floor
Stamford, Connecticut 06901
Tel.: (203) 324-7909; Fax: (203) 324-5067
Connecticut Bar No. 438109

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Notice of Attorney's Lien to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for the CM/ECF in the litigation.

Dated: April 4, 2017

THE PETITIONER,



Kelly E. Ferraro, Esq.
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